

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Tribal Welfare Department – Appeal Petition filed by Smt. K.Roja Rani W/o R.Nagabhushanam, D/o K.Prakash, R/o Anantapur District, against the Proceedings D.Dis.MC3/3427/2006, dated 09.05.2009 of the Collector, Anantapur District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition rejected – Orders Issued.

SOCIAL WELFARE (CV-2) DEPARTMENT

GO.Ms.No. 25

Dated: 06-08-2012.

Read the following:

1. Proceedings of the District Collector, Anantapur, D.Dis. MC3/3427/2006, dated 09.05.2009.
2. Appeal Petition filed by Smt. K.Roja Rani W/o R.Nagabhushanam, R/o Anantapur District before M (TW & RIAD) on 20.6.2009.
3. Govt.Memo.No.7652/CV2/2009, SW (CV2) Dept, dt.27.7.2009.
4. Govt.Memo.No.7652/CV2/2009, SW (CV2) Dept, dt.19.01.2010.
5. From the Orders of APHC., Hyderabad in WP No. 940/2010, dated 27.1.2010 filed by Smt. K.Roja Rani received by the Govt. on 13.05.2010.
6. Govt.Memo.No.7652/CV2/2009, SW (CV2) Dept, dt.22.5.2010.
7. From the District Collector, Anantapur Lr. Rc. No. MC3/3427/2006, dated 21.06.2010.
8. Implead petition filed by Sri E. Anjaneyulu, President, Andhra Pradesh Schedule Tribes Employee's Association, Hyderabad, dated 28.10.2011 before the Government.
9. Govt.Lr.No.15226/CV.2/2011, SW (CV.2) Dept., dt.30.11.2011.
10. Govt.Lr.No.7652/CV2/2009, SW (CV2) Dept, dt.18.04.2012
11. Govt.Lr.No.7652/CV2/2009, SW (CV2) Dept, dt.22.06.2012
12. Govt.Lr.No.7652/CV2/2009, SW (CV2) Dept, dt.07.07.2012
13. Written Arguments dt. 27.06.2012 filed by the counsel for the Appellant before the Government.

ORDER:

In the reference 1st read above the District Collector, Anantapur has issued Proceedings canceling Scheduled Tribe Certificate of Smt. K.Roja Rani W/o R.Nagabhushanam, D/o K.Prakash, R/o Anantapur, Anantapur District, obtained from the then Tahsildars, Anantapur and Vajrakarur.

2. In the reference 2nd read above, Smt. K.Roja Rani W/o R.Nagabhushanam, D/o K.Prakash has filed Appeal Petition before the Government against the Proceedings of the District Collector, Anantapur. After examining the said Appeal Petition Government have admitted the Appeal Petition and stay orders as requested by the applicant were rejected on the Proceedings of the District Collector, Anantapur and called for the parawise remarks and connected records from the District Collector, Anantapur in the reference 3rd, 4th and 6th read above.
3. In the reference 5th read above, Smt. K.Roja Rani W/o R. Nagabhushanam, D/o K. Prakash has filed Writ Petition No.940/2010 against

P.t.o.

the Memo.No.7652/CV2/2009, dated 27.07.2009 wherein the stay on the Proceedings of the District Collector, Anantapur, prayed by her has been rejected by the Government. The Hon'ble High Court of AP while disposing off the said WP on 27.01.2010 has directed the first respondent-appellate authority to dispose of the said appeal as expeditiously as possible, preferably, within a period of four months from the date of receipt of the order. Till such disposal, order dated 09.05.2009, passed by the second respondent i.e., District Collector in D.Dis.No.M3/3427/ 2006, shall remain suspended. It is made clear that the first respondent-appellate authority shall consider the appeal on its own merits and pass appropriate orders.

4. In the reference 7th read above, the District Collector, Anantapur has furnished the original connected records of Smt. K.Roja Rani W/o R.Nagabhushanam, D/o K.Prakash.

5. Sri E. Anjaneyulu, President, Andhra Pradesh Schedule Tribes Employee's Association, Hyderabad have filed an implead petition before the Government in the reference 8th read above, Government after careful examination of the implead petition of Sri E. Anjaneyulu have impleaded him as respondent in the Appeal Petition filed by Smt. K.Roja Rani W/o R. Nagabhushanam, D/o K.Prakash as per Rule 9 (a to e), Act 16 of 1993 in the reference 9th read above.

6. The said Appeal Petition has been posted for hearing on 01.05.2012, 29.06.2012, finally on 23.07.2012 and the same has been informed to the appellant, counsel for the appellant were requested to attend the hearing of the case with all documentary evidences/ certificates in favour of her community claim in the references 10th, 11th, and 12th read above. The Advocate for Appellant and the Advocate for Sri E. Anjaneyulu, President, Andhra Pradesh Schedule Tribes Employee's Association, Hyderabad were present and both parties argued the case and explained her community status and the appellant filed written arguments before the Appellate Authority in the reference 13th read above.

7. After examination of records/ written arguments and proceedings of the District Collector, Anantapur, dated 09.05.2009, it is observed that one Smt. Harijana Bharathi, R/o Anantapur filed an allegation petition before the District Authorities that the Appellant has secured employment under ST quota by producing fake ST Certificate, though she belongs to 'Balija' (OC) Community. (presently working as ACTO O/o C.T.O., Guntakal). The Collector, Anantapur District, after following due procedure has cancelled the ST Community Certificate of the Appellant issued by the M.R.Os concerned, vide his Proceedings No. D.Dis. MC3/3427/2006 dated 09.05.2009.

8. On perusal of the copies of evidences/academic record/ written arguments produced by the Appellant and the material papers/Citations of the Hon'ble Courts made available in the file, by other parties, the Appellate Authority is of the opinion that though the Appellant belong to 'Balija' (OC) Community, with a malafied intention manipulated the documents and obtained ST Certificate, fraudulently to corner the benefits meant for genuine STs and secured employment. No fresh grounds are produced by the Appellant, in support of her claim as ST in her written arguments. She has produced the same previous grounds as produced before the District Authorities at the time of DLSC.

9. The Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, decided that the appeal petition filed by Smt. K.Roja Rani W/o R.Nagabhushanam, D/o K.Prakash does not deserve any interference. Hence, Proceedings of the District Collector, Anantapur issued vide D. Dis. MC3 / 3427/

2006, dated 09.05.2009 is hereby upheld and the Appeal Petition of Smt. K.Roja Rani W/o R.Nagabhushanam, D/o K.Prakash is hereby rejected and the Certificates issued by the M.R.Os., Anantapur and Vajrakarur deemed to be cancelled.

10. The District Collector, Anantapur shall take necessary consequential action in the matter.

11. The records (containing D.Dis. No. MC3/3427/2006, dt. 09.05.2009, Pp 01 to 313) received from the District Collector, Anantapur, through reference 7th read above, are returned herewith in original to the District Collector, Anantapur and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)**

To

The District Collector, Anantapur (BYRPAD) (w.e)
(With original records)

Smt. K.Roja Rani W/o R.Nagabhushanam, D/o K.Prakash,
Occ: Sr.Assit. O/o CTO, Guntakal circle, Ananthapur District.

Sri P.V.Ramana, Advocate, Flat No.1, Banjara Sangeet
Apartments, Kapadla Lane, Hyderabad – 500082.

Sri E. Anjaneyulu, State President, APSTEWA, H.No. 1-7-26, Sathyanarayana
Swamy Nagar, Near Ramalayam, Street No.8, Habsiguda, Hyderabad-500007.

Sri J. Satya Prasad, Advocate for the respondent (Sri E. Anjaneyulu), H.No. 1,
Balreddynagar Colony, Tolichowki, Hyderabad.

Copy to:

The Addl. Commissioner (CT) Legal, Commercial Taxes Dept., AP, Hyderabad
The P.S. to M (TW)
The P.S. to Principal Secretary (TW)
The Director, TCR &TI, AP., Hyderabad.
SF/SC

// Forwarded :: By Order //

SECTION OFFICER.